

Article - Education

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§11–202.

(a) (1) Except as provided in § 11–202.1 of this subtitle, an institution of postsecondary education may not commence or continue to operate, do business, or function without a certificate of approval from the Commission.

(2) Except as provided in §§ 11–202.1 and 11–202.2 of this subtitle, an institution of higher education that enrolls Maryland students in a fully online distance education program in the State may not commence or continue enrollment of Maryland students without registering with the Commission as provided under § 11–202.2 of this subtitle.

(3) An institution required to register under paragraph (2) of this subsection that is not accredited by an accrediting body recognized and approved by the United States Department of Education may not receive a registration from the Commission.

(b) The Commission shall issue a certificate of approval to an institution of postsecondary education if it finds that:

(1) The facilities, conditions of entrance and scholarship, and educational qualifications and standards are adequate and appropriate for:

(i) The purposes of the institution; and

(ii) The programs, training, and courses to be offered by the institution; and

(2) The proposed programs to be offered by the institution meet the educational needs of the State.

(c) (1) If the Commission believes that an institution of postsecondary education that applies for a certificate of approval does not meet the conditions or standards necessary for the issuance of the certificate, the Commission shall give the institution written notice of the specific deficiencies.

(2) (i) Within 20 days of receipt of a notice of deficiencies, the institution may request a hearing before the Commission.

(ii) Within 60 days of receipt of the request the Commission shall hold a hearing to determine if the certificate of approval should be issued.

(3) If, within 6 months from the date on which the application for certification was submitted to the Commission, the institution has received neither a certificate of approval under subsection (b) of this section nor written notice of deficiencies under this subsection, the institution may request within 20 days a hearing before the Commission to determine if the certificate of approval should be issued.

(c-1) (1) If the Commission believes that an institution of higher education that is required to register under subsection (a)(2) of this section or § 11-202.2 of this subtitle does not meet the conditions or standards necessary for the issuance of the registration, the Commission shall give the institution written notice of the specific deficiencies within 6 months after receipt of an application for registration.

(2) (i) Within 20 days after receipt of a notice of deficiencies, the institution may request a hearing before the Commission.

(ii) Within 60 days after receipt of the request for a hearing under subparagraph (i) of this paragraph, the Commission shall hold a hearing to determine if the registration should be issued.

(3) (i) If, after 6 months from the date on which the application for registration was submitted to the Commission, the institution has received neither a registration nor written notice of deficiencies under this subsection, the institution may request a hearing within 20 days before the Commission.

(ii) Within 60 days after receipt of the request for a hearing under subparagraph (i) of this paragraph, the Commission shall hold a hearing to determine if the registration should be issued.

(4) After a hearing held under this subsection, the Commission shall render a decision within 30 days.

(d) (1) Any institution of postsecondary education that is denied a certificate of approval by the Commission after a hearing granted under subsection (c) of this section or any institution of higher education that is denied a registration after a hearing granted under subsection (c-1) of this section has the right to judicial review provided by Title 10, Subtitle 2 of the State Government Article.

(2) The decision of the Commission shall be presumed correct, and the institution has the burden of proving otherwise.

(3) The Commission shall be a party to the proceeding.

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